

2003 DRAFTING REQUEST**Bill**Received: **08/20/2003**Received By: **rmarchan**Wanted: **As time permits**

Identical to LRB:

For: **Amy Sue Vruwink (608) 266-8366**By/Representing: **john**This file may be shown to any legislator: **NO**Drafter: **rmarchan**

May Contact:

Addl. Drafters: **jkreye**Subject: **Buildings/Safety - priv swg sys**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Vruwink@legis.state.wi.us** ✓Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us** ✓
joseph.kreye@legis.state.wi.us ✓
john.anderson@legis.state.wi.us ✓**Pre Topic:**

No specific pre topic given

Topic:

Special charges relating to private sewage systems

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan	jdye					Local
	08/21/2003	10/23/2003					
	jkreye	jdye					
	09/02/2003	10/23/2003					
	rmarchan						

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	09/23/2003			_____			
/1	rmarchan 11/06/2003	kgilfoy 11/06/2003	jfrantze 10/23/2003	_____	mbarman 10/23/2003		Local
/2	rmarchan 11/06/2003	kgilfoy 11/06/2003	pgreensl 11/06/2003	_____	sbasford 11/06/2003		Local
/3	rmarchan 11/25/2003	jdyer 11/25/2003 jdyer 11/25/2003	pgreensl 11/06/2003	_____ _____ _____	sbasford 11/06/2003	sbasford 11/07/2003 sbasford 11/07/2003	Local
/4			pgreensl 11/25/2003	_____ _____	mbarman 11/25/2003	mbarman 11/25/2003	

FE Sent For:

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→ At
Intro

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	09/02/2003	10/23/2003					
	rmarchan	14 1/25 jld					

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	jkreye	jdyer					
	09/02/2003	10/23/2003					
	rmarchan						

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11/6
12/1/03

11/06/2003 11:47:10 AM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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	09/23/2003						

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Page 2

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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jfrantze	_____	mbarman
10/23/2003	_____	10/23/2003

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/?	rmarchan	1 10/23 jld	J 10/23	Self 10/23			

FE Sent For:

<END>

Marchant, Robert

From: Anderson, John
Sent: Friday, August 15, 2003 1:22 PM
To: Marchant, Robert
Cc: Gary Popelka (E-mail)
Subject: Bill Draft Request for Wood County



239A4000.tif

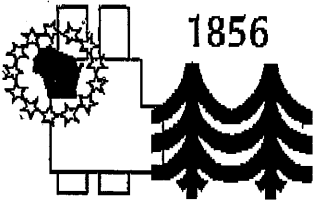
Rob, Here is the memo from the Corp Counsel from Wood County. It is two pages.

Please feel free to call or email me with questions.

Thank you.

John G. Anderson
Office of Rep. Amy Sue Vruwink
70th District
608-266-8366

X- ref 74.01



Wood County WISCONSIN

CORPORATION
COUNSEL OFFICE

Peter A. Kastenholz
CORPORATION COUNSEL

MEMORANDUM

TO: Marvin Krzykowski, Code Administrator
FROM: Peter A. Kastenholz, Corporation Counsel *PAK*
DATE: June 11, 2003
RE: Special Charges

You have asked what statutory changes the legislature would need to make to enable the county to specially charge for certain services provided by your department. Specifically, you desire the county to be able to avoid the direct billing process for small annual service charges and to place those costs directly on the subject property owner's tax bill. The service is the monitoring and maintaining of private sewage systems.

Wisconsin statute section 145.20 addresses the counties' responsibility for regulating private sewage systems. See attached. Subsection 2 of this law sets forth a county's responsibilities and authority. If the following provision were added to that subsection, the above-described objective should be accomplished.

Section 145.20(2) Governmental unit responsibilities. The governmental unit responsible for the regulation of private sewage systems shall:

(i) Develop and oversee, directly or indirectly, the monitoring and maintenance of private sewage systems and have the authority to impose a special charge, pursuant to s. 74.01(4), for the cost of those services.

You also queried how section 145.20(4), stats., could be changed to allow for a governmental entity to specially charge for costs related to the pumping of a septic system or holding tank. The rewriting of section 145.20(4), stats., as set forth below, would accomplish this purpose.

Section 145.20(4) Special assessment or special charge for holding and septic tank pumping. A governmental unit may assess or special charge the owner of a private sewage system for costs related to the pumping of a septic or holding tank. The governmental unit shall make any assessment in the same manner that a city, village or town makes an assessment under s. 66.0703.

(The underlined language represents additions to the existing statutory provision.)

74.01(4)
RECEIVED

JUN 11 2003

**WOOD COUNTY
PLANNING AND ZONING OFFICE**

Marvin Krzykowski

June 11, 2003

Page Two

I have checked with the Wood County Treasurer, Karen Kubisiak, if your department's use of a special charge procedure would be administratively problematic for either a county or a town treasurer's office. Ms. Kubisiak advises that every special assessment and special charge creates more work; that this would be a little different than municipal special charges, but it is something that can be readily handled.

If you have any questions or comments, as always, please feel free to contact me.

Enclosure

c: Karen Kubisiak



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-31432

RJM:.....

5000

JLD

WNR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

DN072

in 9-2-03

Gen

- 1 AN ACT ...; relating to: treating certain local government fees relating to private
2 sewage systems as special charges. ✓

Analysis by the Legislative Reference Bureau

With certain exceptions, current law requires county governments to regulate private sewage systems (in Milwaukee County, these regulatory duties must be performed by the city, village, or town where the private sewage system is located). Current law allows a city, village, town, or county that is responsible for the regulation of private sewage systems (regulator) to assess the owner of a private sewage system for costs related to the pumping of a septic or holding tank. Any such assessment that remains unpaid becomes a lien on the applicable property and is placed on the tax roll as a delinquent tax.

This bill permits a regulator to adopt ordinances for the monitoring and maintenance of private sewage systems. The bill allows the regulator to impose a fee, as a special charge, against the owner of a private sewage system for the cost of any services provided by the regulator under the ordinances. The bill also allows the regulator to impose a special charge for costs related to the pumping of a septic or holding tank that is part of that private sewage system. Like other special charges and special assessments, those imposed under this bill become a lien on the property against which they are imposed and are placed on the tax rolls if they remain unpaid.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 145.20 (2m)^{✓X} of the statutes is created to read:

2 145.20 (2m) GOVERNMENTAL UNIT AUTHORITY. The governmental unit
3 responsible for the regulation of private sewage systems may adopt ordinances for
4 the monitoring and maintenance of private sewage systems. The governmental unit
5 responsible for the regulation of private sewage systems may impose, as a special
6 charge, a fee against the owner of a private sewage system for the cost of any services
7 provided by the governmental unit under the ordinances concerning that private
8 sewage system. If the governmental unit is a city, village, or town, the special charge
9 shall be imposed under s. 66.0627,[✓] otherwise the special charge shall be imposed
10 under s. 74.01 (4).[✓]

11 SECTION 2. 145.20 (4)^{✓X} of the statutes is amended to read:

12 145.20 (4) SPECIAL ASSESSMENT OR SPECIAL CHARGE[✓] FOR HOLDING AND SEPTIC TANK
13 PUMPING. A governmental unit may assess the owner of a private sewage system for
14 costs related to the pumping of a septic or holding tank[✓] that is part of that private
15 sewage system. The governmental unit shall make any such assessment in the same
16 manner that a city, village or town makes an assessment under s. 66.0703. A
17 governmental unit may impose, as a special charge, a fee against the owner of a
18 private sewage system for costs related to the pumping of a septic or holding tank
19 that is part of that private sewage system. If the governmental unit is a city, village,

- 1 or town, the special charge shall be imposed under s. 66.0627, otherwise the special ✓
2 charge shall be imposed under s. 74.01 (4). ✓

3 **History:** 1979 c. 34, 221; 1981 c. 120; 1983 a. 192 s. 303 (7); 1983 a. 410; 1987 a. 27, 160; 1989 a. 31; 1993 a. 16, 27; 1995 a. 201, 227; 1999 a. 150 s. 672.

(END)

d-note
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3143/1dn

RJM:~:....

جل

Representative Vruwink:

Attached is the draft you requested concerning special charges for private sewage system regulation. Please review the draft to ensure that it is consistent with your intent. You may also want to have the Wood County corporation counsel review the draft because it is not identical to the language he provided. Please feel free to call with any questions or if you desire any changes.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3143/1dn
RJM:jld:jf

October 23, 2003

Representative Vruwink:

Attached is the draft you requested concerning special charges for private sewage system regulation. Please review the draft to ensure that it is consistent with your intent. You may also want to have the Wood County corporation counsel review the draft because it is not identical to the language he provided. Please feel free to call with any questions or if you desire any changes.

Robert J. Marchant
Legislative Attorney
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E-mail: robert.marchant@legis.state.wi.us

1812A9

2003 BILL

eking

RMW

- 1 AN ACT *to amend* 145.20 (4); and *to create* 145.20 (2m) of the statutes; relating
- 2 to: treating certain local government fees relating to private sewage systems
- 3 as special charges.

Analysis by the Legislative Reference Bureau

With certain exceptions, current law requires county governments to regulate private sewage systems (in Milwaukee County, these regulatory duties must be performed by the city, village, or town where the private sewage system is located). Current law allows a city, village, town, or county that is responsible for the regulation of private sewage systems (regulator) to assess the owner of a private sewage system for costs related to the pumping of a septic or holding tank. Any such assessment that remains unpaid becomes a lien on the applicable property and is placed on the tax roll as a delinquent tax.

This bill permits a regulator to adopt ordinances for the monitoring and maintenance of private sewage systems. The bill allows the regulator to impose a fee, as a special charge, against the owner of a private sewage system for the cost of any services provided by the regulator under the ordinances. The bill also allows the regulator to impose a special charge for costs related to the pumping of a septic or holding tank that is part of that private sewage system. Like other special charges and special assessments, those imposed under this bill become a lien on the property against which they are imposed and are placed on the tax rolls if they remain unpaid.

BILL

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 145.20 (2m) of the statutes is created to read:

2 145.20 (2m) GOVERNMENTAL UNIT AUTHORITY. The governmental unit
3 responsible for the regulation of private sewage systems may adopt ordinances for
4 the monitoring and maintenance of private sewage systems. The governmental unit
5 responsible for the regulation of private sewage systems may impose, as a special
6 charge, a fee against the owner of a private sewage system for the cost of any services
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9 shall be imposed under s. 66.0627, otherwise the special charge shall be imposed

10 under s. 74.01 (4).

charge
special charge as defined in

11 **SECTION 2.** 145.20 (4) of the statutes is amended to read:

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BILL

1 or town, the special charge shall be imposed under s. 66.0627, otherwise the special
2 charge shall be imposed under s. 74.01 (4).

3 (END)

*a special charge
as defined in*

TODAY

RJM

2003 BILL

- 1 AN ACT *to amend* 145.20 (4); and *to create* 145.20 (2m) of the statutes; **relating**
2 **to:** treating certain local government fees relating to private sewage systems
3 as special charges.

Analysis by the Legislative Reference Bureau

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BILL

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

using the procedure under s. 46.0627

SECTION 1. 145.20 (2m) of the statutes is created to read:

145.20 (2m) GOVERNMENTAL UNIT AUTHORITY. The governmental unit responsible for the regulation of private sewage systems may adopt ordinances for the monitoring and maintenance of private sewage systems. The governmental unit responsible for the regulation of private sewage systems may impose, as a special charge, a fee against the owner of a private sewage system for the cost of any services provided by the governmental unit under the ordinances concerning that private sewage system. ~~If the governmental unit is a city, village, or town, the special charge shall be imposed under s. 66.0627, otherwise the special charge shall be a special charge, as defined in s. 74.01 (4).~~

SECTION 2. 145.20 (4) of the statutes is amended to read:

145.20 (4) SPECIAL ASSESSMENT OR SPECIAL CHARGE FOR HOLDING AND SEPTIC TANK PUMPING. A governmental unit may assess the owner of a private sewage system for costs related to the pumping of a septic or holding tank that is part of that private sewage system. The governmental unit shall make any such assessment in the same manner that a city, village or town makes an assessment under s. 66.0703. A governmental unit may impose, as a special charge, a fee against the owner of a private sewage system for costs related to the pumping of a septic or holding tank that is part of that private sewage system. ~~If the governmental unit is a city, village,~~

BILL

1 ~~or town, the special charge shall be imposed under s. 66.0627, otherwise the special~~
2 ~~charge shall be a special charge, as defined in s. 74.01 (4).~~

3 (END)

Emery, Lynn

From: Anderson, John
Sent: Thursday, November 06, 2003 4:35 PM
To: LRB.Legal
Subject: Draft review: LRB 03-3143/3 Topic: Special charges relating to private sewage systems

It has been requested by <Anderson, John> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3143/3 Topic: Special charges relating to private sewage systems

Marchant, Robert

From: Anderson, John

Sent: Monday, November 24, 2003 4:19 PM

To: Marchant, Robert

Cc: Gary Popelka (E-mail)

Subject: FW: FW: Draft review: LRB 03-3143/3 Topic: Special charges relating to private sewage systems

Rob, I am returning the jacket to you. below is a requested change. Thank you for your assistance with this.

John G. Anderson
Office of Rep. Amy Sue Vruwink
70th District
608-266-8366

-----Original Message-----

From: Gary Popelka [mailto:gpopelka@co.wood.wi.us]

Sent: Monday, November 24, 2003 4:16 PM

To: John.Anderson@legis.state.wi.us

Subject: Re: FW: Draft review: LRB 03-3143/3 Topic: Special charges relating to private sewage systems

Hi John,

I hate to do this to you, but it's all in the name of good legislation :-).

In talking to Ozaukee County - who also is faced with the same problem we have
- we have decided that the last sentence of the draft should read as follows:

A governmental unit may impose, as a special charge using the procedure under
s. 66.0627, a fee against the owner of a private sewage system for costs
related to any services provided by the governmental unit under the ordinances
concerning that private sewage system.

I've talked with our Code Administrator and Corporation Counsel and they agree
that that language will work as well. The change came from comments from the
Ozaukee Corp. Counsel.

If you have any questions, please let me know. I hope this can still be
worked into the proposed language.

Thanks.

Gary Popelka, AICP
Wood County Planning & Zoning Director
gpapelka@co.wood.wi.us
715-421-8568

>>> Anderson, John 11/06/03 02:28PM >>>
Third draft.

11/25/2003

-----Original Message-----

From: Basford, Sarah

Sent: Thursday, November 06, 2003 2:28 PM

To: Anderson, John

Subject: Draft review: LRB 03-3143/3 Topic: Special charges relating to private sewage systems

Draft Requester: Amy Sue Vruwink

Following is the PDF version of draft LRB 03-3143/3.

11/25/2003



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3143/4

RJM:jld&kmg:pg

Sen
2003 BILL

Rum

- Regen*
- 1 AN ACT *to amend* 145.20 (4); and *to create* 145.20 (2m) of the statutes; relating
- 2 to: treating certain local government fees relating to private sewage systems
- 3 as special charges.

Analysis by the Legislative Reference Bureau

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costs related to

BILL

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145.20 (2m) GOVERNMENTAL UNIT AUTHORITY. The governmental unit responsible for the regulation of private sewage systems may adopt ordinances for the monitoring and maintenance of private sewage systems. The governmental unit responsible for the regulation of private sewage systems may impose, as a special charge using the procedure under s. 66.0627, a fee against the owner of a private sewage system for the cost of any services provided by the governmental unit under the ordinances concerning that private sewage system.

SECTION 2. 145.20 (4) of the statutes is amended to read:

145.20 (4) SPECIAL ASSESSMENT OR SPECIAL CHARGE FOR HOLDING AND SEPTIC TANK PUMPING. A governmental unit may assess the owner of a private sewage system for costs related to the pumping of a septic or holding tank that is part of that private sewage system. The governmental unit shall make any such assessment in the same manner that a city, village or town makes an assessment under s. 66.0703. A governmental unit may impose, as a special charge using the procedure under s. 66.0627, a fee against the owner of a private sewage system for costs related to the pumping of a septic or holding tank that is part of that private sewage system.

(END)